



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Mark Grzan, Council Member	Mark Grzan, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, MARCH 28, 2007

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor Pro Tempore/Vice-Chair Carr)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTION

Mark Murray
Budget Manager

PROCLAMATIONS

RECOGNITIONS

CITY COUNCIL REPORTS

Mayor Pro Tempore Carr

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-7

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- 1. FEBRUARY 2007 FINANCE & INVESTMENT REPORT - CITY 1**
Recommended Action(s): Accept and File Report.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
2.	<u>AMERICANS WITH DISABILITIES ACT ACCESSIBILITY AT SPECIAL EVENTS HELD ON PUBLIC PROPERTY</u> 29 <u>Recommended Action(s):</u> Approve the Americans with Disabilities Act Guidelines for Special Events Held on Public Property in Morgan Hill as Part of the Approval Process for Special Events Funding Sponsorship.	
3.	<u>WATER CONSERVATION MEMORANDUM OF UNDERSTANDING (MOU) ADJUSTMENT</u> 35 <u>Recommended Action(s):</u> Authorize the City Manager to Execute the First Amendment to a Memorandum of Understanding (MOU) with the Santa Clara Valley Water District; Subject to the Review and Approval of the City Attorney.	
4.	<u>ACCEPTANCE OF TENNANT AVENUE WIDENING PROJECT</u> 39 <u>Recommended Action(s):</u> 1. Accept as Complete the Tennant Avenue Widening Project in the Final Amount of \$783,638; and 2. Direct the City Clerk to File the Notice of Completion with the County Recorder's Office.	
5.	<u>AWARD OF PROFESSIONAL SERVICES CONTRACT TO PREPARE DESIGN DOCUMENTS FOR DUNNE/HILL STORM DRAIN PROJECT – PHASE 1</u> 43 <u>Recommended Action(s):</u> Authorize the City Manager to Execute a Consultant Agreement with Schaaf and Wheeler in the Amount of \$23,400 for Design Documents of the Dunne/Hill Storm Drain Project – Phase 1; Subject to Approval by the City Attorney.	
6.	<u>ACCEPT THE DEPOT STREET UNDERGROUNDING UTILITIES PROJECT</u> 45 <u>Recommended Action(s):</u> 1. Accept as Complete the Depot Street Undergrounding Utilities Project in the Final Amount of \$880,869; 2. Transfer \$12,700 from the Current Year Redevelopment Agency (RDA) Economic Development Budget (317.8010.42231) to the Project Account (537004.f317.86360.131) to Reconcile Final Costs, Including an Unanticipated Change Order; 3. Authorize the City Manager to Execute Change Order #3 in the Amount of \$5,403 for the Depot Street Undergrounding Utilities Project; and 4. Direct the City Clerk to File the Notice of Completion with the County Recorder's Office.	
7.	<u>TERMINATION OF LEASE WITH SOLARA ENERGY</u> 51 <u>Recommended Action(s):</u> Information Only.	

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 8

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
8.	<u>FEBRUARY 2007 FINANCE & INVESTMENT REPORT – RDA</u> 61 <u>Recommended Action(s):</u> Accept and File Report.	

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
9.	2 Minutes	<u>SOLID WASTE MANAGEMENT RATE AMENDMENT</u>	71
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Approve</u> the Refuse Rate Resolution.	
10.	10 Minutes	<u>ZONING AMENDMENT, ZA-06-06; USE PERMIT, UP-06-06; SITE REVIEW, SR-06-07; MINOR EXCEPTION, EX-06-05; LAUREL-JIFFY LUBE</u>	79
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Mitigated Negative Declaration. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) Action- <u>Adopt</u> Resolution Approving Conditional Use Permit, Site Review and Minor Exception.	
11.	30 Minutes	<u>ZONING AMENDMENT, ZA-07-03: CITY OF MORGAN HILL OFF-SITE SIGNS</u>	125
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
12.	15 Minutes	<u>FRIENDS OF THE MORGAN HILL LIBRARY ADDITIONAL PROPOSED ART</u>	161
		<u>Recommended Action(s):</u> <u>Receive</u> a Presentation from the Friends of the Morgan Hill Library/Beyond Books Campaign Representatives Regarding Additional Proposed Art Work and <u>Approve</u> the Projects for Inclusion in the New Library Building Project.	

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.